

Apr 29, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LEANN MARIE C.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:18-CV-03176-RHW

**ORDER GRANTING PARTIES'
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 14.** The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II of the Social Security Act, 42 U.S.C § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C §1381-1383F. AR 1-3, 15, 33. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings. ECF No. 14. Based on the agreement of the parties and the record, the Court finds good cause to **GRANT** their motion.

ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 The Commissioner's decision to deny Plaintiff's applications for Social
2 Security benefits is **REVERSED** and **REMANDED** for further proceedings
3 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council
4 will reconsider whether a finding of disability on the existing record is warranted
5 following a review by medical support staff. *See* ECF No. 14 at 1. If a favorable
6 decision is not made on the record, the Appeals Council will remand the case to an
7 administrative law judge (ALJ), who shall update the medical records, offer
8 Plaintiff the opportunity for a hearing, and issue a new decision. *Id.* at 1-2. The
9 ALJ shall also: (1) Reevaluate the medical opinion evidence; (2) Obtain expert
10 medical testimony to reconsider Plaintiff's impairments at step three; (3) Further
11 evaluate Plaintiff's alleged symptoms; (4) Reevaluate Plaintiff's residual
12 functional capacity; and (5) If warranted, obtain supplemental vocational expert
13 evidence to clarify the effects of the assessed limitations on Plaintiff's ability to
14 perform other work in the national economy. *Id.* at 2. The parties also agree that
15 reasonable attorney fees will be awarded under the Equal Access to Justice Act, 28
16 U.S.C. § 2412, upon proper request to the Court. *Id.*

17 Accordingly, **IT IS HEREBY ORDERED:**

- 18 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.
- 19 2. The Commissioner's decision is **REVERSED** and this matter is
20 **REMANDED** for further administrative proceedings consistent with this order.

ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND

1 3. Plaintiff's Motion for Summary Judgment, **ECF No. 10**, is now moot.

2 4. Reasonable attorney fees may be awarded under 28 U.S.C. § 2412 and/or 28
3 U.S.C. § 1920, upon proper request to the Court.

4 5. The District Court Executive shall enter judgment for the Plaintiff and
5 against Defendant.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order, forward copies to counsel, and **close the file**.

8 **DATED** this 29th day of April, 2019.

9 s/Robert H. Whaley
10 ROBERT H. WHALEY
 Senior United States District Judge